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## FACSIMILE COVER SHEET

DATE: 9/27/2002

TO: NAME: Examiner Michelle R. Kizilkaya

COMPANY: USPTO

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CONFIRMATION #: \_\_\_\_\_ USER ID: 5152

NUMBER OF PAGES, INCLUDING COVER: 12 CHARGE NUMBER: 10451.0028.NPUS00

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## SUPPLEMENTAL MESSAGE:

Re: Application No. 09/957,490  
PTO Confirmation No. 3149

S nt via facsimile is the attached First Supplemental Information Disclosure Statement and PTO Form 1449 with references.

THE INFORMATION CONTAINED IN THIS TRANSMISSION IS PRIVILEGED AND CONFIDENTIAL. IT IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

IF THERE ARE ANY QUESTIONS OR PROBLEMS WITH THE TRANSMISSION OF THIS FACSIMILE, PLEASE CALL 650.463.8103.

P: 11/15/2002: DOC

Received from <650 463 8400> at 9/27/02 8:00:33 PM [Eastern Daylight Time]

In re application of: Mark Roland Boeder

Art Unit: 1633

Appl. No.: 09/957,490

PTO Confirmation No.: 3149

Filed: September 19, 2001

Examiner: Kizilkaya, Michelle, R.

For: Chrysanthemum Plant Named 'Stellar Time'

Atty. Docket: 10451.0028.NPUS00

#### FIRST SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this First Supplemental Information Disclosure Statement is a continuation of the numbering in Applicant's Information Disclosure Statement filed on December 18, 2001. Copies of the documents listed on the accompanying Form PTO-1449 are enclosed.

Included is a partial copy of a 1999 Ficor catalog offering the variety that is the subject of this patent application for sale outside the United States under the cultivar name 'Stellar Time.' Applicant believes that the 1999 catalog was first publicly distributed outside the United States beginning October 30, 1998.

Also included is a partial copy of a 2000 Ficor catalog offering the variety that is the subject of this patent application for sale outside the United States under the cultivar name 'Stellar Time.' Applicant believes that the 2000 catalog was first publicly distributed outside the United States beginning November 9, 1999.

Applicant is not aware of any public distribution, sale or offer to sell of this variety in the United States prior to the filing date of this patent application.

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Applicant(s)  
Appl. No. 09/957,490

Applicant reserves the right to establish the patentability of the claimed invention over any of the information provided here, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

It is believed that this disclosure complies with the requirements of 37 C.F.R. §§1.56, 1.97 and 1.98, and the Manual of Patent Examining Procedures §609. If for some reason the Examiner considers otherwise, or requires additional information, Applicant requests that the Examiner call the undersigned so that any deficiencies can be remedied.

It is also respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 50-1263 referencing docket number 10451.0028.NPUS00.

Dated: September 27, 2002

Respectfully submitted,



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